

REGULAR SESSION RUSH COUNTY BOARD OF COMMISSIONERS OCTOBER 22, 2012

The Rush County Board of Commissioners met in regular session, Monday, October 22, 2012 with Commissioners, Tom Barnes, Marvin Cole, Ken Masters, Jodi Harr, Deputy Auditor, and Leigh Morning, County Attorney in attendance. Auditor Deborah Adams was absent.

Commissioner Tom Barnes called the meeting to order. Marvin Cole made the motion to approve the minutes of the regular meeting of October 9, 2012 meeting as presented. Ken Masters seconded the motion. Motion carried.

EMA

EMA Director Chuck Kemker, informed the commissioners that the state made a mistake in calculating the EMA salary reimbursement received in 2012. The county will be receiving an estimated additional reimbursement of \$2,000.00.

The courthouse fire drill conducted on October 10 was successful.

Kemker requested permission from the commissioners to use the Competitive Grant dollars to purchase an ID system. It will be used to ID volunteers within the county and can also be used to ID county employees. There is no monthly fee involved. Commissioner Masters made the motion to authorize the purchase of the ID system to be paid for with grant dollars. Commissioner Cole seconded. Motion carried. Kemker will finalize the grant.

A.D.A.

Katherine Meyer, Area Plan Director and on behalf of the ADA committee, ask the commissioners to sign Amended Ordinance 2012-6 adopting the Non-Discrimination Policy, Grievance Procedure, and Complaint Form. County Attorney Leigh Morning has reviewed the amended ordinance. Commissioner Barnes stated the ADA Commission is making it difficult for the county by putting names in an ordinance. This means that if the name of the person mentioned in the ordinance changes, the commissioners will have to amend the ordinance.

Commissioner Masters made the motion to amend ordinance 2012-6 as requested. Commissioner Cole seconded. Motion carried.

AMENDED ORDINANCE 2012-6

AN ORDINANCE ADOPTING A GRIEVANCE PROCEDURE UNDER SECTION 504 OF THE AMERICANS WITH DISABILITIES ACT

WHEREAS, the Americans with Disabilities Act requires state and local governments to adopt a grievance procedure for the filing of complaints; and

WHEREAS, Rush County, Indiana, has formulated a grievance procedure and a grievance form.

NOW, THEREFORE, BE IT ORDAINED by the Board of Commissioners of Rush County, Indiana:

1. In compliance with Section 504 of the Americans with Disabilities Act, the procedure attached hereto as Attachment A is hereby adopted as the Grievance Procedure and Nondiscrimination Policy.

2. In compliance with Section 504 of the Americans with Disabilities Act, the form attached hereto as Attachment B is hereby adopted as the Grievance Form to be used by those filing a complaint under the Americans with Disabilities Act.

3. Persons may still file a complaint with the Office of Civil Rights, Region V, U.S. Department of Human Services.

Adopted this 22nd day of October, 2012.

/s/ Thomas H. Barnes
Thomas H. Barnes

/s/ Marvin L. Cole
Marvin L. Cole

/s/ Ken Masters
Ken Masters

ATTEST: /s/ C. Jodi Harr
C. Jodi Harr,
Deputy Auditor

ATTACHMENT A

Non-Discrimination Policy

NOTICE OF NONDISCRIMINATION

It is the policy of RUSH COUNTY not to exclude, deny benefits to, or otherwise discriminate against any person on the ground of race, color, or national origin, religion, sex, sexual orientation, gender identity/expression, protected veteran's status, genetic information, or on the basis of disability or age in its hiring or employment practices and admission to, participation in, or receipt of the services and benefits under any of its programs and activities,

whether carried out by RUSH COUNTY directly or through a contractor or any other entity with which RUSH COUNTY arranges to carry out its programs and activities.

This statement is in accordance with the provisions of Title VI of the Civil Rights Act of 1964, Section 504 of the Rehabilitation Act of 1973, In compliance with all regulations promulgated by the U.S. Equal Employment Opportunity Commission under Title I of the Americans with Disabilities Act of 1990, Title II of the Americans with Disabilities Act of 1990, the Age Discrimination Act of 1975, and the Regulations of the U.S. Department of Health and Human Services issued pursuant to these statutes at Title 45 Code of Federal Regulations (CFR) Parts 80, 84, and 91, and 28 CFR Part 35.

RUSH COUNTY will generally, upon request, provide appropriate aids and services leading to effective communication for qualified persons with disabilities so they can participate equally in RUSH COUNTY programs, services, and activities, including qualified sign language interpreters, documents in Braille, and other ways of making information and communications accessible to people who have speech, hearing, or vision impairments.

RUSH COUNTY will make reasonable modifications to policies and programs to ensure that people with disabilities have an equal opportunity to enjoy of its programs, services, and activities. For example, individuals with service animals are welcomed in RUSH COUNTY offices, even where pets are generally prohibited.

Anyone who requires an auxiliary aid or service for effective communication, or a modification of policies or procedures to participate in a program, service, or activity of RUSH COUNTY, should contact the office of Katherine Meyer – Rush County Area Plan Commission at (765) 932–3090 or at the Rush County Court House, 101 E Second Street, Room 211, Rushville, IN 46173

The ADA does not require RUSH COUNTY to take any action that would fundamentally alter the nature of its programs or services, or impose an undue financial or administrative burden.

RUSH COUNTY BOARD OF COMMISSIONERS has adopted an internal grievance procedure providing for the prompt and equitable resolution of grievances alleging any action prohibited by Title VI, Section 504, regulations of the Equal Employment Opportunity Commission under Title I of the ADA, Title II of the ADA, the Age Act, or the Federal regulations implementing these laws. The following individual has been designated as RUSH County's ADA/Section 504 Coordinator and grievances or questions should be directed to:

Katherine Meyer
Rush County Area Plan Commission
Rush County Court House
101 E Second Street, Rm 211
Rushville, IN 46173
(765) 932–3090

Filing a grievance with RUSH County's Section 504/ADA Coordinator (or his/her designee) does not prevent the applicant, patient, or his/her companion from filing a complaint with the:

Office for Civil Rights, Region V
U.S. Department of Health and Human Services
233 N. Michigan Ave., Suite 240
Chicago, IL 60601
Voice Phone (312)886-2359
FAX (312)886-1807
TDD (312)353-5693

GRIEVANCE PROCEDURE UNDER SECTION 504 OF THE REHABILITATION ACT AND TITLE II OF THE AMERICANS WITH DISABILITIES ACT OF 1990

In accordance with the requirements of Section 504 of the Rehabilitation Act of 1973 (Section 504) and Title II of the Americans with Disabilities Act of 1990, as amended (ADA), Rush County does not discriminate on the basis of disability in admission to, participation in, or receipt of services and benefits under any Rush County program or activity. Rush County does not retaliate or discriminate against, or coerce, intimidate or threaten any individual who (1) opposes any act or practice made unlawful by Section 504 or the ADA; or (2) files a grievance and/or complaint, testifies, assists, or participates in any investigation, proceeding, or hearing under Section 504 or the ADA.

Rush County has adopted an internal grievance procedure providing for the prompt and equitable resolution of grievances alleging any action prohibited by Section 504, the ADA, or the Federal regulations implementing these laws. The applicable Federal laws and regulations may be examined by contacting the following individual who is Rush County's ADA/Section 504 Coordinator and who has been designated to coordinate the efforts of Rush County to comply with Section 504 and the ADA:

Katherine Meyer
Rush County Area Plan Commission
Rush County Court House
101 E Second Street, Rm 211
Rushville, IN 46173
(765) 932-3090

Any person who believes she or he has been subjected to discrimination on the basis of disability or who believes she or he has been subjected to retaliation under Section 504 or the ADA may file a grievance under this procedure. It is against the law for Rush County to retaliate against anyone who files a grievance or cooperates in the investigation of a grievance.

PROCEDURE:

- Grievances must be submitted to Rush County's ADA/Section 504 Coordinator (or his/her designee) as soon as possible but no later than sixty (60) calendar days after the date the person filing the grievance becomes aware of the alleged discriminatory action.

A grievance must be in writing, containing the name and address of the person filing it. The grievance must state the problem or action alleged to be discriminatory and the remedy or relief sought. Forms may also be acquired online at www.rushcounty.in.gov. Persons with disabilities requesting an alternative method of filing such as in person or by telephone should contact:

Katherine Meyer
Rush County Area Plan Commission
Section 504 Coordinator
Rush County Court House
101 E Second Street, Rm 211
Phone: (765) 932-3090
E-mail: apc@rushcounty.in.gov

- Rush County's ADA/ Section 504 Coordinator (or his/her designee) will conduct an investigation of the grievance. This investigation may be informal, but it must be thorough, affording all interested persons an opportunity to submit evidence relevant to the grievance. Rush County's ADA/ Section 504 Coordinator will maintain the files and records of Rush County relating to such grievances for a period of one year from the date filed.
- Rush County's ADA/ Section 504 Coordinator will issue a written decision to the individual on the grievance no later than thirty (30) calendar days after its filing.
- The person filing the grievance may appeal the decision of Rush County's ADA/ Section 504 Coordinator by writing to the Rush County Board of Commissioners, within fifteen (15) calendar days of receiving Rush County's ADA/Section 504 Coordinator's decision.
- The Rush County Board of Commissioners, or their designee, will issue a written decision on the appeal no later than thirty (30) calendar days after its filing.
- Filing a grievance with Rush County's ADA/Section 504 Coordinator (or his/her designee) does not prevent the person filing the grievance from filing a complaint with the:

Office for Civil Rights, Region V
U.S. Department of Health and Human Services
233 N. Michigan Ave., Suite 240
Chicago, IL 60601
Voice Phone (312)886-2359
FAX (312)886-1807
TDD (312)353-5693

- Rush County Personnel, including all departments, will assist interested persons in filing grievances and will forward completed grievances to Rush County's ADA/Section 504 Coordinator for investigation or other appropriate action.
- Rush County's ADA/Section 504 Coordinator (and/or his/her designee) will make appropriate arrangements to ensure that individuals with disabilities are provided reasonable modifications and appropriate auxiliary aids and services where necessary to participate in this grievance process. Such arrangements may include making the grievance procedure available in alternate formats such as Braille, large print, audiotape, providing interpreters for the deaf or hard-of-hearing, or assuring a barrier-free location for proceedings.

- Rush County Employees requesting workplace accommodations for a disability must file a request for accommodation with the Rush County's ADA/Section 504 Coordinator, pursuant to Rush County Personnel Policy 4.6, Americans with Disabilities.
- Rush County Employees who believe they have been subjected to discriminatory treatment in their employment on the basis of disability or to retaliation as the result of requesting a disability accommodation, objecting to a discriminatory practice, or for participating in an ADA/Section 504 grievance process, may file an internal discrimination complaint with the Rush County's ADA/Section 504 Coordinator, pursuant to Rush County Personnel Policy 6.4, Sexual Harassment/Hostile Work Environment.
- Any disciplinary action taken against a Rush County employee for violating the ADA/ Section 504 rights of a person will be handled through the grievance process outlined in Rush County Personnel Policy 6.4.2, Reporting a Complaint.

Meyer also reported that the meeting scheduled for October 24 has been changed to November 8. The meeting was originally stated as a community meeting. It will actually be a public meeting and will need to be advertised.

SHERIFF

Sheriff Jeff Sherwood, reported forty-four (44) inmates incarcerated in the Rush County jail.

Sherwood explained it was time to update the computers and software in the sheriff deputies cars. Ron Jarman has spent a great deal of time reviewing the changes and contacting other counties to see what they were using. Based on the information he gathered, Sherwood requested the commissioners approve and sign a quote in the amount of \$9,763.40. He has the money in his budget to pay for this. He also requested they sign a contract for the services with Interact, a Memorandum of Understanding, and a Software License Agreement. Commissioner Masters made the motion to sign all four documents. Commissioner Cole seconded. Motion carried. Ron Jarman was in attendance to answer any questions. There is no monthly service fee; however, there is a yearly maintenance fee.

HIGHWAY

Highway Superintendent Jerry Sitton had nothing to report.

AUDITOR

Deputy Auditor Jodi Harr received approval of payroll for the period ending October 26, 2012 on a motion from Marvin Cole. Ken Masters seconded the motion. Motion carried.

Bi-weekly claims submitted October 17, 2012 were approved by Marvin Cole. Ken Masters seconded the motion. Motion carried.

EMS

The commissioners reviewed EMS run reports received from Anderson Twp. Vol. Fire Dept.

SURETY BOND

Marvin Cole made the motion to sign the Cancellation Request to cancel Rachel Webster's bond. She has retired from the county. Ken Masters seconded. Motion carried.

Ken Masters made the motion to sign a surety bond for Peggy Stout. She is replacing Rachel Webster. Marvin Cole seconded. Motion carried.

MISC

- September Treasurer's Report was submitted for review
- Barnes read the list of appointments that will be made at the November 5 meeting and noted that those wishing to retain their office should submit a letter stating so.
- Barnes stated there have not been any further meeting regarding windmills. He has not had any communication with the attorneys since the last update.

Motion to adjourn was received from Ken Masters. Marvin Cole seconded the motion. Motion carried.

<u>/s/Tom Barnes</u>	<u>/s/Marvin Cole</u>	<u>/s/Ken Masters</u>
Tom Barnes, Chairman	Marvin Cole	Ken Masters

ATTEST:

/s/Deborah C. Adams
Deborah C. Adams, Auditor